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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

BRENDA HAYDEN,)	
)	
Plaintiff,)	
)	
v.)	CAUSE NO:
)	
THE FINISH LINE, INC.,)	
)	
)	
Defendant.)	

COMPLAINT AND DEMAND FOR JURY TRIAL

I. NATURE OF THE CASE

1. This is an action brought by Plaintiff, Brenda Hayden (“Hayden”), by counsel, against Defendant, The Finish Line, Inc. (“Defendant”), alleging violations of the Americans with Disabilities Act (“ADA”), as amended, 42 U.S.C. § 12101 *et seq.*

II. PARTIES

2. Hayden is a resident of the State of Indiana, who at all relevant times to this action resided within the geographical boundaries of the Southern District of Indiana.

3. Defendant routinely conducts business within the geographical boundaries of the Southern District of Indiana.

III. JURISDICTION AND VENUE

4. Jurisdiction is conferred on this Court over the subject matter of this litigation pursuant to 28 U.S.C. § 1331 and 42 U.S.C. § 12117.

5. Defendant is an “employer” as that term is defined by 42 U.S.C. § 12111(5)(A).

6. Hayden was an “employee” as that term is defined by 42 U.S.C. § 12111(4).

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7. Hayden is a “qualified individual with a disability” as defined by the Americans with Disabilities Act, 42 U.S.C. § 12102(2) and 12111(8) and/or Defendant knew of Hayden’s disability and/or regarded Hayden as being disabled and/or Hayden had a record of being disabled.

8. Hayden satisfied her obligation to exhaust her administrative remedies having timely filed a Charge of Discrimination with the U.S. Equal Employment Opportunity Commission against Defendant alleging discrimination based on disability. Hayden received her Notice of Suit Rights and timely files this action.

9. A substantial part of the events, transactions, and occurrences concerning this case arose in the geographical environs of the Southern District of Indiana; thus, venue is proper in this court.

IV. FACTUAL ALLEGATIONS

10. On October 11, 2010, Hayden began working for Defendant as a full-time Customer Care Professional.

11. At all relevant times, Hayden met or exceeded Defendant’s reasonable performance expectations.

12. Prior to July 31, 2021, Hayden was out on an extended leave of absence due to her serious medical conditions, such as severe anxiety disorder, severe depression, and bipolar disorder.

13. On July 31, 2021, Hayden was released to return to work by her medical provider.

14. On August 2, 2021, Hayden expressed interest in the Customer Service Professional full-time position with benefits for Defendant, similar to the position that she

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previously held.

15. On August 4, 2021, Jennifer Hampton, Defendant's Benefits Analyst, offered Hayden a part-time Customer Service Professional position without benefits.

16. On August 5, 2021, Hayden responded to Jennifer Hampton by re-informing her that she cannot accept a part-time job with no benefits, as she is still under doctor's care with therapy, counseling, and medications for her anxiety, depression, and bipolar disorder.

17. On August 12, 2021, Ms. Hampton replied to Hayden, stating that there were no full-time positions available and that they cannot offer any employee part time work and continue to offer them full-time benefits.

18. Yet, on August 12, 2021, Defendant advertised the same open full-time Customer Service Professional position with benefits online that Hayden expressed interest in.

V. CAUSES OF ACTION

COUNT I: DISABILITY DISCRIMINATION

19. Hayden hereby incorporates by reference paragraphs one (1) through eighteen (18) of her Complaint as if the same were set forth at length herein.

20. Defendant violated Hayden's rights as protected by the Americans with Disabilities Act, 42 U.S.C. 12101, *et seq.* by failing to promote and/or hire Hayden for the open Customer Service Professional position.

21. Defendant's actions were intentional, willful, and in reckless disregard for Hayden's rights as protected by the ADA.

22. Hayden has suffered and continues to suffer damages because of Defendant's actions.

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VI. REQUESTED RELIEF

WHEREFORE, Plaintiff, Brenda Hayden, respectfully requests that this Court enter judgment in her favor and award her the following relief:

1. All wages, benefits, compensation, and other monetary loss suffered as a result of Defendant's unlawful actions;
2. Compensation for any and all other damages suffered as a consequence of Defendant's unlawful actions;
3. Compensatory damages for the Defendant's violations of the ADA;
4. Punitive damages for the Defendant's violations of the ADA;
5. All costs and attorney's fees incurred as a result of bringing this action;
6. Pre- and Post-Judgment interest on all sums recoverable; and
7. All other legal and/or equitable relief this Court sees fit to grant.

Respectfully submitted,

By: s/ Ryan Sullivan

Ryan Sullivan, Atty No. 34217-64

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DEMAND FOR JURY TRIAL

Plaintiff, Brenda Hayden, requests a trial by jury on all issues deemed so triable.

Respectfully submitted,

By: s/ Ryan Sullivan

Ryan Sullivan, Atty No. 34217-64

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